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08/25/99
10503 U.S. PTO

PATENT
Docket No. PHO-107 DIV

10504 U.S. PTO
09/382622
08/25/99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>Prior Application:</p> <p>Examiner: <u>Gable</u></p> <p>Art Unit: <u>1623</u></p>	<p>I hereby certify that this 37 CFR 1.60 request and the documents referred to as attached therein are being deposited with the United States Postal Service on <u>AUG 25, 1999</u> in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10, Mailing Label Number <u>ELI4031622745</u> addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231</p> <p><u>Simon Lee</u> name of person signing</p> <p><u>Simon Lee</u> signature</p>
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BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL OF FILING UNDER 37 CFR 1.60(b)

1. This is a request for filing a

☒ Divisional

☐ Continuation

application under 37 CFR 1.60 of pending prior application Serial No. 08/216,787 filed on Decmeber 21, 1998 of H. Craig Dees, Timothy C. Scott, John T. Smolik and Eric A. Wachter for High Energy Phototherapeutic Agents.

2. True Copy of Original Prior Application Papers Attached.

I hereby verify that the attached papers are a true copy of the above-identified prior application, including the oath or declaration originally filed (37 CFR 1.60).

3. Amendments

☒ Cancel in this application original claims 31-50 and 53 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☐ Please enter the enclosed Preliminary Amendment (prior to calculating the filing fee)

4. Information Disclosure Statement

☒ An Information Disclosure Statement is enclosed herewith.

5. Fee Calculation (claims pending after entry of any amendments above)

☒ A verified statement of small entity status:

☒ has been filed in the parent application and such status is still proper and desired

☐ is attached

☐ Other than small entity

For	Number Filed	Number Extra	Rate sm/lg ent.	Fee
Total Claims	32	-20 = 12	x \$9/11	\$108
Independent Claims	2	- 3 = 0	x \$39/78	\$ -0-
Multiple Dependent Claims	No		\$260/130	\$ -0-
Basic Fee (minimum amount required)			\$380/760	\$380
Assignment			\$40	\$0
Total Filing Fee				\$488.00

6. Fee Payment

☒ [X] A check in the amount of \$ 488.00 is enclosed

☐ [] Please charge deposit account 50/1039 in the amount of _____.

☒ [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 50/1039. A duplicate copy of this sheet is enclosed.

7. Drawings

☒ [X] New formal drawings are enclosed.

☐ [] Informal drawings are enclosed.

8. Foreign Priority

☐ [] Priority of foreign application serial no. _____ filed on _____ in _____ is claimed under 35 U.S.C. 119.

☐ [] The certified copies has been filed in prior U.S. application Serial No. _____

☐ [] The certified copy will follow.

9. Relate Back -- 35 U.S.C. 120

☒ Please amend the specification by inserting before the first line the sentence:

--This application is a continuation of copending U.S. application Serial No. 09/216,787, filed on December 21, 1998.--

10. Inventorship

With respect to the prior copending U.S. application from which this application claims benefit under 35 USC 120 the inventor(s) in this application is (are):

☒ the same

☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

11. Assignment

☒ The prior application is assigned of record to Photogen, Inc.

☐ An assignment of the invention to _____ is attached (with cover sheet) for recording..

12. Maintenance of Copendency of Prior Application

☐ A petition, fee and response has been filed to extend the term in the pending prior application until _____ or

☐ A conditional petition for extension of time is being filed in the pending parent application (copy enclosed).

13. Power of Attorney

☒ The power of attorney in the prior application is to: Edward D. Manzo,
registration no. 28,139

☒ The power appears in the original papers in the prior application.

☐ Since the power does not appear in the original papers, a copy of the power
in the prior application is enclosed.

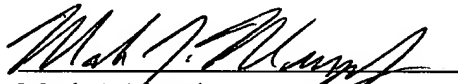
☒ Address all future communications to:

Edward D. Manzo
Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.
200 West Adams St., Ste. 2850
Chicago, IL 60606

Respectfully submitted,

Date:

August 24, 1999



Mark J. Murphy

Registration no. 34,225

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